

those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

The applicants respectfully submit that claims directed to a polynucleotide (Group II, claims 14 and 15) and the peptide encoded by the polynucleotide (Group I, claims 12 and 13) are clearly linked so as to form a general inventive concept. Annex B of the Administrative Instructions Under the PCT (see, for example, Part 2, Example 17 therein) specifically indicates that a claim to Protein X and a claim to a DNA sequence encoding Protein X, in fact, have unity of invention. Furthermore, PCT Rule 13.3 states that the determination of whether a group of inventions is linked by a single inventive concept should be made without regard to whether the inventions are claimed separately. Claims 18-21 of Group I merely recite vaccines and methods utilizing the peptides, and claims 16 and 17 of Group II recite host cells transformed with the genes. Thus, the applicants respectfully submit that there is unity of invention between the invention of Groups I and II.

The applicants would also like to bring to the Examiner's attention that during the international phase, the PCT application corresponding to the subject U.S. national application was determined to have unity of invention with respect to the different uses of the genes. The peptides encoded by these genes may be localized on the outer surface of the cell and, therefore, may be used as targets for immunotherapy. Therefore, the applicants respectfully request that the composition of matter claims directed to these genes and peptides encoded by them be considered and examined with the method claims in the subject application, because the method claims reciting these genes would also have this special technical feature.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

3

Docket No. GJE-70
Serial No. 09/868,352

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Glenn P. Ladwig
Patent Attorney
Registration No. 46,853
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

GPL/mv

Attachments: Petition and Fee for Extension of Time
Associate Power of Attorney